

FILED

February 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0601

FILED

FEB 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Phyllis Jamison
Pro Se Appellant
P.O. Box 343
Clinton, MT 59825
Phone & Fax (406) 825-2004

PHYLLIS JAMISON,

Plaintiff and Appellant,

UNOPPOSED

v.

MOTION AND AFFIDAVIT

FRED VAN VALKENBURG,
MISSOULA COUNTY COMMISSION,
BILL CAREY, COMMISSIONER, JEAN
CURTISS, COMMISSIONER, JAMES
MCCUBBIN, DEPUTY COUNTY
ATTORNEY, DENA L. LUND, JACK S.
LUND, RICHARD B. WHEATLEY,
TAMBRY T. WHEATLEY,

IN SUPPORT OF MOTION

TO FILE APPELLATE

BRIEF BY MARCH 24, 2010

Defendants and Appellees.

I, Phyllis Jamison, move this Court to grant a 30-day extension of time for filing my Appellant's opening brief, with a date certain of March 24, 2010 (because the prior month had a shorter than usual number of days).

The Appellant, Phyllis Jamison, being first sworn upon her oath, states the following:

1. I, Phyllis Jamison contacted Paul Sharkey, who is opposing counsel for defendants Jack Lund and Dena Lund and Sharkey faxed me the attached letter stating that he does not have any objection to this "second 30-day extension of time." I also attempted to contact Alan F. McCormick, who is opposing counsel for Missoula County, but was unable to reach

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either McCormick or the Wheatleys.

Appellant Jamison further states under oath:

- (a) The brief is due February 22, 2010.
- (b) The brief was first due January 21, 2010.
- (c) The length of the requested extension is 30 days.

(d & e) The reason an extension is necessary is that as a pro se appellant facing so many parties and over issues that are of county-wide and state-wide concern, I have been reading texts and trying to understand the Montana Rules of Appellate Procedure and I have been, at times, truly overwhelmed. This will be the absolute last request for an extension of time that Jamison will make to this court and I do sincerely appreciate your consideration of this request for an extension to March 24, 2010 so that I can finish writing my appeal.

(f) There were no parties who I was able to contact who were opposed to this motion. Paul Sharkey, opposing counsel for Jack Lund and Dena Lund, told me that I can represent to this court that he does not object to this request for an extension to March 24, 2010. Exhibit "1", attached, is Sharkey's faxed letter to me stating he has "no objection" to this "second 30-day extension to file your appellate brief".

Respectfully submitted,

Phyllis Jamison

Phyllis Jamison

Pro Se Appellant

February 22, 2010

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4)(b); of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a mono-spaced Courier text typeface of 12 points; is double spaced; [I do not have Microsoft Word 2003 on my computer-typewriter], is not more that 30 (14 for reply) pages, excluding certificate of service and certificate of compliance.

Dated this 22nd day of February, 2010.

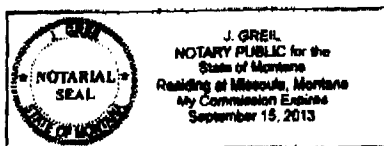
Phyllis Jamison

Phyllis Jamison, Pro Se Appellant

On the 22nd day of February, 2010 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Phyllis Jamison, known to me to be the person who executed the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

SEAL



J. Greil

Notary Signature

J. Greil

Notary printed or typed name

Residing at Missoula

My commission expires 9/15/2013

CERTIFICATE OF SERVICE

I, the undersigned pro se appellant, hereby certify

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PHILLIPS LAW FIRM P.C.
ATTORNEYS AT LAW

ROBERT J. PHILLIPS
JOHN F. HATTEY¹
PAUL M. SHARKEY
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¹ Also Admitted in California
² Registered Patent Attorney

Via Facsimile (825-2004)
February 22, 2010

Phyllis T. Jamison
3024 Woodville Ave.
P.O. Box 343
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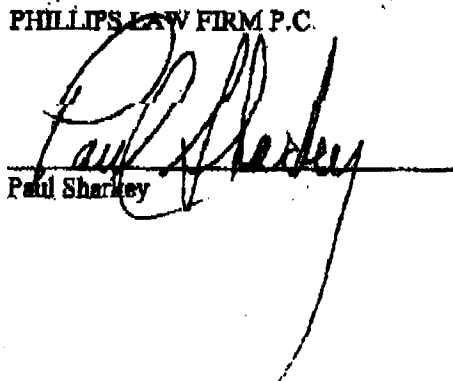
Re: *Lund adv. Jamison*
Montana Supreme Court Cause No. DA 09-0601
File No. 5182

Dear Ms. Jamison:

This letter is a follow-up to our telephone conversation this morning in which you requested a second 30-day extension to file your appellate brief. I have no objection.

Sincerely,

PHILLIPS LAW FIRM P.C.


Paul Sharkey

PS/lcg

cc: Dena and Jack Lund

EXHIBIT 1
JAMISON

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that on this 22nd day of February, 2010 I have filed a true and accurate copy of the foregoing Pro Se Appellant's "Motion and Affidavit in Support of Motion for 30-Day Extension of Time" by FACSIMILE (406) 444-5705 at 3:00 PM with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing motion upon each attorney of record and each party not represented by an attorney in the above referenced action, by depositing the same in the United States Mail, postage prepaid thereon, addressed as follows:

Paul Sharkey
Phillips Law Firm, P.C.
P.O. Box 8569
Missoula, MT 59807-8569
Counsel for Dena Lund & Jack Lund

Alan F. McCormick
Garlington, Lohn & Robinson
P.O. Box 7909
Missoula, MT 59807-7909
Counsel for Missoula County

Richard B. Wheatley
3004 Woodville Avenue
P.O. Box 116
Clinton, MT 59825

Tambry T. Wheatley
3004 Woodville Avenue
P.O. Box 116
Clinton, MT 59825

Dated this 22nd day of February, 2010.



Phyllis Jamison
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Clinton, MT 59825
Pro Se Appellant

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